

Readoption Review

Food Misbranding 410 IAC 7-5

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would minimize the economic impact of the proposed rule on small business.

Description of Rule:

This rule spells out the requirements for packaged food product labeling.

Readoption Analysis:

- 1) **Is there a continued need for this rule?**
Yes, this is the Indiana Code that specifies the requirements for packaged food labeling and prevents deceptive or incorrect and misleading advertising for consumers. Nutrition labeling empowers consumers to make well informed choices.
- 2) **What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?**
We have not had any complaints on this rule that we are aware of. The industry is accustomed to providing this labeling as consumers expect to see it.
- 3) **Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small businesses in complying with the rule.**
ISDH has not encountered any difficulties administering the rule and is not aware of any problems with small businesses complying with the rule.
- 4) **To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances?**
Federal law does have the Fair Package and Labeling Act, but it only applies to interstate commerce and would not cover intrastate commerce, so there is still a need to have this rule to protect Indiana consumers.
- 5) **When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?**
It has been many years since it has been fully evaluated, but federal labeling law has not changed either as it relates to misbranding. The newest consumer labeling law for packaged foods was the Nutrition Labeling and Education Act of 1990 that started requiring nutritional labeling on packaged foods. We feel this law is still needed to protect consumers.